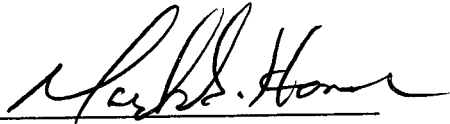


I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

**FILED MAR 13 2003**

By:



H.J.R. No. 85

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow wineries in this  
2 state to sell and dispense certain wine.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 20, Article XVI, Texas Constitution, is  
5 amended by adding Subsection (d) to read as follows:

6 (d) Notwithstanding Subsection (b) of this section, a  
7 winery authorized under general law to operate in this state,  
8 regardless of whether the winery is located in an area in which the  
9 possession or sale of intoxicating liquors is restricted or  
10 prohibited, may sell wine for consumption on or off the winery  
11 premises or dispense wine without charge, for tasting purposes, for  
12 consumption on the winery premises. This section applies only if  
13 the wine is manufactured in this state and at least 75 percent of  
14 its volume is derived from fermented juice of grapes grown in this  
15 state.

16 SECTION 2. This proposed constitutional amendment shall be  
17 submitted to the voters at an election to be held November 4, 2003.  
18 The ballot shall be printed to permit voting for or against the  
19 proposition: "A constitutional amendment to allow wineries in this  
20 state to sell Texas wine on the wineries' premises and to dispense  
21 Texas wine without charge for tasting on the wineries' premises."

# HOUSE COMMITTEE REPORT

12 APR 30 PM 3:37  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Homer

H.J.R. No. 85

Substitute the following for H.J.R. No. 85:

By: Eissler

C.S.H.J.R. No. 85

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11 on or off the winery premises or dispense wine without charge, for  
12 tasting purposes, for consumption on the winery premises. A winery  
13 may sell wine to an ultimate consumer only if the wine is  
14 manufactured in this state and at least 75 percent of its volume is  
15 derived from fermented juice of grapes or other fruit grown in this  
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19 The ballot shall be printed to permit voting for or against the  
20 proposition: "A constitutional amendment to allow wineries in this  
21 state to manufacture and sell Texas wine on the wineries' premises  
22 and to dispense Texas wine without charge for tasting on the  
23 wineries' premises."

COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

April 14, 2003  
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred HJR 85 have had the same under consideration and beg to report back with the recommendation that it

( ) do pass, without amendment.

( ) do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

☒ yes ( ) no A fiscal note was requested.

( ) yes ☒ no A criminal justice policy impact statement was requested.

( ) yes ☒ no An equalized educational funding impact statement was requested.

( ) yes ☒ no An actuarial analysis was requested.

( ) yes ☒ no A water development policy impact statement was requested.

( ) yes ☒ no A tax equity note was requested.

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Flores, Chair				X
Hamilton, Vice-chair	X			
Driver	X			
Eissler	X			
Goolsby	X			
Homer	X			
Jones, D.				X
Raymond	X			
Wise				X

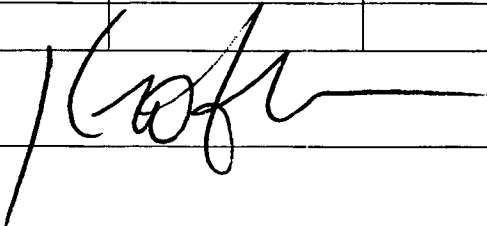
Total

6 aye

0 nay

0 present, not voting

3 absent

CHAIR 

## **BILL ANALYSIS**

C.S.H.J.R. 85

By: Homer

Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The growth of the Texas wine industry continues to have a positive effect on the state's economy. Removing local restrictions on the dispensing of wine would lead to increased tourism and a greater economic benefit for the state.

If approved by the voters, CSHJR 85 would allow Texas wineries to manufacture and sell wine on the wineries' premises and dispense wine without charge for tasting purposes.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Adds a new subsection (d) to Section 20, Article XVI, Texas Constitution which provides that a winery authorized to operate in Texas, regardless of whether the winery is located in an area in which the possession or sale of intoxicating liquors is restricted or prohibited, may manufacture and sell wine for consumption on or off premisses or may dispense wine without charge for tasting purposes, so long as the wine is manufactured in Texas and contains at least 75 percent by volume juice from grapes or other fruit grown in Texas.

### **FOR ELECTION**

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original in that it adds "manufacture" to sales of consumption on or off the premisses of the winery.

## SUMMARY OF COMMITTEE ACTION

HJR 85

April 14, 2003      8:00AM

Considered in public hearing

Committee substitute considered in committee

Testimony taken in committee (See attached witness list.)

Reported favorably as substituted

WITNESS LIST

HJR 85

HOUSE COMMITTEE REPORT

Licensing & Administrative Procedures Committee

April 14, 2003 - 8:00AM

For: Elliott, Gary (Self)  
Parker, Gabe (Self)  
Puente-Brancato, Gina (Texas Wine & Grape Growers  
Association)  
Switzer, Cord (Self)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 28, 2003**

**TO:** Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HJR85** by Homer (proposing a constitutional amendment to allow wineries in this state to manufacture, sell, and dispense certain wine. ), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend the Texas Constitution to allow wineries in the state to sell and dispense certain wine.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

4

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 11, 2003**

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**LBB Staff:** JK, JRO, VDS, AR

5



(( Insert to backed document ))

**ADOPTED**

MAY 06 2003

Robert Haney  
Chief Clerk  
House of Representatives

By: Horne H.J.R. No. 85

Substitute the following for H.J.R. No. 85:

By: Eissler C.S. H H.J.R. No. 85

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12 tasting purposes, for consumption on the winery premises. A winery  
13 may sell wine to an ultimate consumer only if the wine is  
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15 derived from fermented juice of grapes or other fruit grown in this  
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19 The ballot shall be printed to permit voting for or against the  
20 proposition: "A constitutional amendment to allow wineries in this  
21 state to manufacture and sell Texas wine on the wineries' premises  
22 and to dispense Texas wine without charge for tasting on the  
23 wineries' premises."

# HOUSE ENGROSSMENT

By: Homer, et al.

8  
H.J.R. No. 85

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**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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**LBB Staff:** JK, JRO, VDS, AR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

1-1 By: Homer, et al. (Senate Sponsor - Estes) H.J.R. No. 85  
1-2 (In the Senate - Received from the House May 7, 2003;  
1-3 May 9, 2003, read first time and referred to Committee on Business  
1-4 and Commerce; May 23, 2003, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment to allow wineries in this  
1-8 state to manufacture, sell, and dispense certain wine.

1-9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 20, Article XVI, Texas Constitution, is  
1-11 amended by adding Subsection (d) to read as follows:

1-12 (d) Notwithstanding Subsection (b) of this section, a  
1-13 winery authorized under general law to operate in this state,  
1-14 regardless of whether the winery is located in an area in which the  
1-15 possession or sale of intoxicating liquors is restricted or  
1-16 prohibited, may manufacture wine and may sell wine for consumption  
1-17 on or off the winery premises or dispense wine without charge, for  
1-18 tasting purposes, for consumption on the winery premises. A winery  
1-19 may sell wine to an ultimate consumer only if the wine is  
1-20 manufactured in this state and at least 75 percent of its volume is  
1-21 derived from fermented juice of grapes or other fruit grown in this  
1-22 state.

1-23 SECTION 2. This proposed constitutional amendment shall be  
1-24 submitted to the voters at an election to be held November 4, 2003.  
1-25 The ballot shall be printed to permit voting for or against the  
1-26 proposition: "A constitutional amendment to allow wineries in this  
1-27 state to manufacture and sell Texas wine on the wineries' premises  
1-28 and to dispense Texas wine without charge for tasting on the  
1-29 wineries' premises."

1-30 \* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 85  
By Senator Estes  
(Author/Senate Sponsor)  
5/23/03  
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure,  
have on May 22, 2003, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass and be printed  
☐ do pass and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Ken Armbrister	<input checked="" type="checkbox"/>			
Senator Kim Brimer	<input checked="" type="checkbox"/>			
Senator Craig Estes	<input checked="" type="checkbox"/>			
Senator Mike Jackson	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte	<input checked="" type="checkbox"/>			
Senator Tommy Williams	<input checked="" type="checkbox"/>			
TOTAL VOTES	9	0	0	0

COMMITTEE ACTION

☒ S260 Considered in public hearing  
☐ S270 Testimony taken

Barbara Henderson  
COMMITTEE CLERK

Ty From  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

HJR 85

SENATE COMMITTEE REPORT

Business & Commerce

May 22, 2003 - 9:00AM

Registering, but not testifying:

FOR: Clayton, Bill (Texas Wine and Grape Growers Assoc.), Austin, TX

## **BILL ANALYSIS**

Senate Research Center  
78R12225 AJA-D

H.J.R. 85  
By: Homer (Estes)  
Business & Commerce  
5/22/2003  
Engrossed

### **DIGEST AND PURPOSE**

The growth of the Texas wine industry continues to have a positive effect on the state's economy. Removing local restrictions on the dispensing of wine may lead to increased tourism and a greater economic benefit for the state. H.J.R. 85 requires the submission of a constitutional amendment to allow Texas wineries to manufacture and sell wine on the wineries' premises and dispense wine without charge for tasting purposes.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 20, Article XVI, Texas Constitution, by adding Subsection (d), to authorize a winery, notwithstanding Subsection (b) of this section, authorized under general law to operate in this state, regardless of whether the winery is located in an area in which the possession or sale of intoxicating liquors is restricted or prohibited, to manufacture wine and to sell wine for consumption on or off the winery premises or to dispense wine without charge, for tasting purposes, for consumption on the winery premises. Authorizes a winery to sell wine to an ultimate consumer only if the wine is manufactured in this state and at least 75 percent of its volume is derived from fermented juice of grapes or other fruit grown in this state.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003. Sets forth the required content of the ballot.



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 13, 2003**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HJR85** by Homer (Proposing a constitutional amendment to allow wineries in this state to manufacture, sell, and dispense certain wine.), **As Engrossed**

**No significant fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend the Texas Constitution to allow wineries in the state to sell and dispense certain wine.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 28, 2003**

**TO:** Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John Keel, Director, Legislative Budget Board

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

# ADOPTED

MAY 27 2003

*Atty. Gen.*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Craig Estes*

1 Amend H.J.R. No. 85 (Senate committee printing) by striking  
2 all below the resolving clause and substituting the following:

3 SECTION 1. Article XVI, Texas Constitution, is amended by  
4 adding Section 20a to read as follows:

5 Sec. 20a. (a) Notwithstanding any other provision of this  
6 article, a winery licensed or permitted to operate in this state by  
7 the Texas Alcoholic Beverage Commission or its successor may  
8 continue to operate in this state regardless of whether the winery  
9 is located in an area in which the possession or sale of  
10 intoxicating liquors is restricted or prohibited if:

11 (1) the winery was licensed or permitted on ~~June 1,~~ <sup>JANUARY 1,</sup>  
12 ~~2003;~~ <sup>2004</sup> or

13 (2) the winery was licensed or permitted immediately  
14 before the possession or sale of intoxicating liquors became  
15 restricted or prohibited in the area in which winery is located.

16 (b) The Texas Alcoholic Beverage Commission or its successor  
17 may not suspend or cancel a winery's original or renewal license or  
18 permit or refuse to renew a winery's license or permit on the basis  
19 that the winery is located in a dry area.

20 (c) A winery located in an area in which the sale of wine has  
21 not been authorized by an election under Article XVI, Section  
22 20(b), of this constitution, may only sell or dispense wine if the  
23 wine is manufactured in this state and at least 75 percent of its  
24 volume is derived from fermented juice of grapes or other fruit

1 grown in this state.

2 SECTION 2. This proposed constitutional amendment shall be  
3 submitted to the voters at an election to be held September 13, ~~November 4,~~ 2003.  
4 The ballot shall be printed to permit voting for or against the  
5 proposition: "A constitutional amendment to allow wineries to  
6 continue to operate in an area of this state where the sale of wine  
7 has not been authorized and to sell Texas wine on the wineries'  
8 premises."

# SENATE AMENDMENTS

03 MAY 27 PM 7: 07

2<sup>nd</sup> Printing

HOUSE OF REPRESENTATIVES

By: Homer, et al.

H.J.R. No. 85

## A JOINT RESOLUTION

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# ADOPTED

MAY 27 2003

  
Secretary of the Senate

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9 is located in an area in which the possession or sale of  
10 intoxicating liquors is restricted or prohibited if:

11 (1) the winery was licensed or permitted on <sup>JANUARY 1,</sup> ~~June 1,~~  
12 <sup>2004</sup> ~~2003~~; or

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15 restricted or prohibited in the area in which winery is located.

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**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 13, 2003**

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**FROM:** John Keel, Director, Legislative Budget Board

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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

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**FROM:** John Keel, Director, Legislative Budget Board

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**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 11, 2003**

**TO:** Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HJR85** by Homer (Proposing a constitutional amendment to allow wineries in this state to sell and dispense certain wine.), **As Introduced**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$85,275.

The bill would amend the Texas Constitution to allow wineries in the state to sell and dispense certain wine.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 28, 2003**

**TO:** Honorable Tom Craddick, Speaker of the House, House of Representatives

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HJR85** by Homer (Proposing a constitutional amendment to allow wineries in this state to manufacture, sell, and dispense certain wine. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend the Texas Constitution to allow wineries in the state to sell and dispense certain wine.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

**ADOPTED**

May 31, 2003

Date

JUN 01 2003

Honorable David Dewhurst  
President of the Senate

Robert Haney  
Chief Clerk  
House of Representatives

by a RV DNR

Honorable Tom Craddick  
Speaker of the House of Representatives

144 years, 0 days, 2 present, not voting

HOUSE OF REPRESENTATIVES

03 MAY 31 PM 3:11

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Joint Resolution 85 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

\_\_\_\_\_  
Senator Estes, Chair

Lutricia Van de Putte  
Senator Van de Putte

Frank Madla  
Senator Madla

Jon Lindsay  
Senator Lindsay

\_\_\_\_\_  
Senator Fraser  
On the part of the Senate

Mark B. Homer  
Rep. Homer, Chair

Sam Phillips  
Rep. Phillips

Vicki Truitt  
Rep. Truitt

Ch Swinford  
Rep. Swinford

Pete Cook  
Rep. Cook, Robby  
On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H.J.R. No. 85

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the legislature to  
2 authorize and govern the operation of wineries in this state.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 20, Article XVI, Texas Constitution, is  
5 amended by adding Subsection (d) to read as follows:

6 (d) The legislature may enact laws and direct the Alcoholic  
7 Beverage Commission or its successor to set policies for all  
8 wineries in this state, regardless of whether the winery is located  
9 in an area in which the sale of wine has or has not been authorized  
10 by local option election, for the manufacturing of wine, including  
11 the on-premises selling of wine to the ultimate consumer for  
12 consumption on or off the winery premises, the buying of wine from  
13 or the selling of wine to any other person authorized under general  
14 law to purchase and sell wine in this state, and the dispensing of  
15 wine without charge, for tasting purposes, for consumption on the  
16 winery premises, and for any purpose to promote the wine industry in  
17 this state.

18 SECTION 2. This proposed constitutional amendment shall be  
19 submitted to the voters at an election to be held September 13,  
20 2003. The ballot shall be printed to permit voting for or against  
21 the proposition: "A constitutional amendment to allow the  
22 legislature to enact laws authorizing and governing the operation  
23 of wineries in this state."

**House Joint Resolution 85**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Adds Section 20(d), Article XVI, Texas Constitution. (d) Notwithstanding Subsection (b) of this section, a winery authorized under general law to operate in this state, regardless of whether the winery is located in an area in which the possession or sale of intoxicating liquors is restricted or prohibited, may manufacture wine and may sell wine for consumption on or off the winery premises or dispense wine without charge, for tasting purposes, for consumption on the winery premises. A winery may sell wine to an ultimate consumer only if the wine is manufactured in this state and at least 75 percent of its volume is derived from fermented juice of grapes or other fruit grown in this state.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held *November 4, 2003*. The ballot shall be printed to permit voting for or against the proposition: "A constitutional amendment to allow wineries in this state to manufacture and sell Texas wine on the wineries' premises and to dispense Texas wine

SENATE VERSION

SECTION 1. Adds Section 20a, Article XVI, Texas Constitution. (a) Notwithstanding any other provision of this article, a winery licensed or permitted to operate in this state by the Texas Alcoholic Beverage Commission or its successor may continue to operate in this state regardless of whether the winery is located in an area in which the possession or sale of intoxicating liquors is restricted or prohibited if: (1) the winery was licensed or permitted on January 1, 2004; or (2) the winery was licensed or permitted immediately before the possession or sale of intoxicating liquors became restricted or prohibited in the area in which winery is located.

(b) The Texas Alcoholic Beverage Commission or its successor may not suspend or cancel a winery's original or renewal license or permit or refuse to renew a winery's license or permit on the basis that the winery is located in a dry area.

(c) A winery located in an area in which the sale of wine has not been authorized by an election under Article XVI, Section 20(b), of this constitution, may only sell or dispense wine if the wine is manufactured in this state and at least 75 percent of its volume is derived from fermented juice of grapes or other fruit grown in this state. (FA1)

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held *September 13, 2003*. The ballot shall be printed to permit voting for or against the proposition: "A constitutional amendment to allow wineries to continue to operate in an area of this state where the sale of wine has not been authorized and to sell

CONFERENCE

SECTION 1. Adds Section 20(d), Article XVI, Texas Constitution. (d) The legislature may enact laws and direct the Alcoholic Beverage Commission or its successor to set policies for all wineries in this state, regardless of whether the winery is located in an area in which the sale of wine has or has not been authorized by local option election, for the manufacturing of wine, including the selling of wine to the ultimate consumer for consumption on or off the winery premises, the buying of wine from or the selling of wine to any other person authorized under general law to purchase and sell wine in this state, and the dispensing of wine without charge, for tasting purposes, for consumption on the winery premises, and for any purpose to promote the wine industry in this state.

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**House Joint Resolution 85**  
**Conference Committee Report**  
**Section-by-Section Analysis**

**HOUSE VERSION**

without charge for tasting on the wineries' premises."

**SENATE VERSION**

Texas wine on the wineries' premises." (FA1)

**CONFERENCE**



# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

~~May 31, 2003~~

Date

**ADOPTED**

31-0  
JUN 01 2003

*Patry Dew*  
Secretary of the Senate

Honorable David Dewhurst  
President of the Senate

Honorable Tom Craddick  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on ~~House Joint Resolution 85~~ have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Senator Eaton*  
Senator Eaton, Chair

*Rep. DeLoach*  
Rep. DeLoach, Chair

*Senator Van der Puet*  
Senator Van der Puet

*Rep. Phillips*  
Rep. Phillips

*Senator Felt*  
Senator Felt

*Rep. Felt*  
Rep. Felt

*Senator Liberty*  
Senator Liberty

*Rep. Swinford*  
Rep. Swinford

*Senator Proctor*  
On the part of the Senate

*Rep. [Signature]*  
On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

MAY 31 2003

4:25pm

CONFERENCE COMMITTEE REPORT

H.J.R. No. 85

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the legislature to  
2 authorize and govern the operation of wineries in this state.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 20, Article XVI, Texas Constitution, is  
5 amended by adding Subsection (d) to read as follows:

6 (d) The legislature may enact laws and direct the Alcoholic  
7 Beverage Commission or its successor to set policies for all  
8 wineries in this state, regardless of whether the winery is located  
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10 by local option election, for the manufacturing of wine, including  
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12 consumption on or off the winery premises, the buying of wine from  
13 or the selling of wine to any other person authorized under general  
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15 wine without charge, for tasting purposes, for consumption on the  
16 winery premises, and for any purpose to promote the wine industry in  
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22 legislature to enact laws authorizing and governing the operation  
23 of wineries in this state."

**House Joint Resolution 85**  
**Conference Committee Report**  
**Section-by-Section Analysis**

**HOUSE VERSION**

SECTION 1. Adds Section 20(d), Article XVI, Texas Constitution. (d) Notwithstanding Subsection (b) of this section, a winery authorized under general law to operate in this state, regardless of whether the winery is located in an area in which the possession or sale of intoxicating liquors is restricted or prohibited, may manufacture wine and may sell wine for consumption on or off the winery premises or dispense wine without charge, for tasting purposes, for consumption on the winery premises. A winery may sell wine to an ultimate consumer only if the wine is manufactured in this state and at least 75 percent of its volume is derived from fermented juice of grapes or other fruit grown in this state.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held *November 4, 2003*. The ballot shall be printed to permit voting for or against the proposition: "A constitutional amendment to allow wineries in this state to manufacture and sell Texas wine on the wineries' premises and to dispense Texas wine

**SENATE VERSION**

SECTION 1. Adds Section 20a, Article XVI, Texas Constitution. (a) Notwithstanding any other provision of this article, a winery licensed or permitted to operate in this state by the Texas Alcoholic Beverage Commission or its successor may continue to operate in this state regardless of whether the winery is located in an area in which the possession or sale of intoxicating liquors is restricted or prohibited if: (1) the winery was licensed or permitted on January 1, 2004; or (2) the winery was licensed or permitted immediately before the possession or sale of intoxicating liquors became restricted or prohibited in the area in which winery is located.

(b) The Texas Alcoholic Beverage Commission or its successor may not suspend or cancel a winery's original or renewal license or permit or refuse to renew a winery's license or permit on the basis that the winery is located in a dry area. (c) A winery located in an area in which the sale of wine has not been authorized by an election under Article XVI, Section 20(b), of this constitution, may only sell or dispense wine if the wine is manufactured in this state and at least 75 percent of its volume is derived from fermented juice of grapes or other fruit grown in this state. (FA1)

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**CONFERENCE**

SECTION 1. Adds Section 20(d), Article XVI, Texas Constitution. (d) The legislature may enact laws and direct the Alcoholic Beverage Commission or its successor to set policies for all wineries in this state, regardless of whether the winery is located in an area in which the sale of wine has or has not been authorized by local option election, for the manufacturing of wine, including the selling of wine to the ultimate consumer for consumption on or off the winery premises, the buying of wine from or the selling of wine to any other person authorized under general law to purchase and sell wine in this state, and the dispensing of wine without charge, for tasting purposes, for consumption on the winery premises, and for any purpose to promote the wine industry in this state.

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**House Joint Resolution 85**  
**Conference Committee Report**  
**Section-by-Section Analysis**

**HOUSE VERSION**

without charge for tasting on the wineries' premises."

**SENATE VERSION**

Texas wine on the wineries' premises." (FA1)

**CONFERENCE**

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

~~May 31, 2003~~

Date

03 MAY 31 PM 6:11  
HOUSE OF REPRESENTATIVES

Honorable David Dewhurst  
President of the Senate

Honorable Tom Craddick  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on ~~House Joint Resolution 85~~ have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

\_\_\_\_\_  
Senator Estes, Chair

\_\_\_\_\_  
Senator Van de Putte

\_\_\_\_\_  
Senator Wadla

\_\_\_\_\_  
Senator Lindsay

\_\_\_\_\_  
On the part of the Senate

\_\_\_\_\_  
Rep. Homers, Chair

\_\_\_\_\_  
Rep. Phillips

\_\_\_\_\_  
Rep. Truitt

\_\_\_\_\_  
Rep. Swinford

\_\_\_\_\_  
Rep. On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.J.R. No. 85

## A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the legislature to  
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**House Joint Resolution 85**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

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CONFERENCE

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**House Joint Resolution 85**  
**Conference Committee Report**  
**Section-by-Section Analysis**

**HOUSE VERSION**

without charge for tasting on the wineries' premises."

**SENATE VERSION**

Texas wine on the wineries' premises." (FA1)

**CONFERENCE**



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 31, 2003**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Tom Craddick, Speaker of the House, House of Representatives

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HJR85** by Homer (Proposing a constitutional amendment to allow the legislature to authorize and govern the operation of wineries in this state. ), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

The bill would amend the Texas Constitution to allow wineries in the state to sell and dispense certain wine.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JK, JRO, VDS, AR

4

**ENROLLED**

H.J.R. No. 85

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the legislature to  
2 authorize and govern the operation of wineries in this state.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 20, Article XVI, Texas Constitution, is  
5 amended by adding Subsection (d) to read as follows:

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19 submitted to the voters at an election to be held September 13,  
20 2003. The ballot shall be printed to permit voting for or against  
21 the proposition: "A constitutional amendment to allow the  
22 legislature to enact laws authorizing and governing the operation  
23 of wineries in this state."

---

President of the Senate

---

Speaker of the House

I certify that H.J.R. No. 85 was passed by the House on May 6, 2003, by the following vote: Yeas 142, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.J.R. No. 85 on May 29, 2003, by a non-record vote, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.J.R. No. 85 on June 1, 2003, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

---

Chief Clerk of the House

H.J.R. No. 85

I certify that H.J.R. No. 85 was passed by the Senate, with amendments, on May 27, 2003, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.J.R. No. 85 on June 1, 2003, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

---

Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 85<sup>✓</sup> was passed by the House  
(1)

on May 6<sup>✓</sup>, 2003, by the following vote:  
(2)

Yeas 142<sup>✓</sup>, Nays 0<sup>✓</sup>, 2 present, not voting;  
(3) (4)

that the House refused to concur in Senate amendments to H.J.R. No. 85<sup>✓</sup>

on May 29<sup>✓</sup>, 2003, by ~~the following~~ <sup>a non-record</sup> vote;  
(5)

~~Yeas 141<sup>✓</sup>, Nays 0<sup>✓</sup>~~  
(6) (7)

and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted

the conference committee report on H.J.R. No. 85<sup>✓</sup> on

June 1<sup>✓</sup>, 2003, by the following vote:  
(8)

Yeas 144<sup>✓</sup>, Nays 0<sup>✓</sup>, 2 present, not voting.  
(9) (10)

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: CT21;

I certify that H.J.R. No. 85<sup>✓</sup> was passed by the Senate,  
(1)

with amendments, on May 27<sup>✓</sup>, 2003, by the  
(2)

following vote: Yeas 31<sup>✓</sup>, Nays 0<sup>✓</sup>;  
(3) (4)

at the request of the House, the Senate appointed a conference committee to consider the differences between the two

houses; and that the Senate adopted the conference committee

report on H.J.R. No. 85<sup>✓</sup> on June 1<sup>✓</sup>, 2003,  
(5)

by the following vote:

Yeas 31<sup>✓</sup>, Nays 0<sup>✓</sup>.  
(6) (7)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT22;

78TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HJR 85

Mark Homer  
signature of **primary** author

MARK Homer  
printed name of **primary** author

3/13/03  
Date

PERMISSION TO SIGN HJR 85 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)  
☒ ALL REPRESENTATIVES  
☐ THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2115 Allen</u>	<u>        </u> Date	<u>A2450 Cook, Byron</u>	<u>        </u> Date	<u>A2795 Farabee</u>	<u>        </u> Date
<u>A2125 Alonzo</u>	<u>        </u> Date	<u>A2565 Cook, Robert "Robby"</u>	<u>        </u> Date	<u>A2810 Farrar</u>	<u>        </u> Date
<u>A2160 Bailey</u>	<u>        </u> Date	<u>A2595 Corte</u>	<u>        </u> Date	<u>A2840 Flores</u>	<u>        </u> Date
<u>A2170 Baxter</u>	<u>        </u> Date	<u>A2605 Crabb</u>	<u>        </u> Date	<u>A2850 Flynn</u>	<u>        </u> Date
<u>A2205 Berman</u>	<u>        </u> Date	<u>A2610 Craddick</u>	<u>        </u> Date	<u>A2920 Gallego</u>	<u>        </u> Date
<u>A2230 Bohac</u>	<u>        </u> Date	<u>A2640 Crownover</u>	<u>        </u> Date	<u>A2925 Garza</u>	<u>        </u> Date
<u>A2250 Bonnen</u>	<u>        </u> Date	<u>A2620 Davis, John</u>	<u>        </u> Date	<u>A2960 Gattis</u>	<u>        </u> Date
<u>A2280 Branch</u>	<u>        </u> Date	<u>A2625 Davis, Yvonne</u>	<u>        </u> Date	<u>A2945 Geren</u>	<u>        </u> Date
<u>A2265 Brown, Betty</u>	<u>        </u> Date	<u>A2635 Dawson</u>	<u>        </u> Date	<u>A2935 Giddings</u>	<u>        </u> Date
<u>A2270 Brown, Fred</u>	<u>        </u> Date	<u>A2680 Delisi</u>	<u>        </u> Date	<u>A2985 Goodman</u>	<u>        </u> Date
<u>A2255 Burnam</u>	<u>        </u> Date	<u>A3385 Denny</u>	<u>        </u> Date	<u>A2990 Goolsby</u>	<u>        </u> Date
<u>A2295 Callegari</u>	<u>        </u> Date	<u>A2690 Deshotel</u>	<u>        </u> Date	<u>A3010 Griggs</u>	<u>        </u> Date
<u>A2290 Campbell</u>	<u>        </u> Date	<u>A2705 Driver</u>	<u>        </u> Date	<u>A3020 Grusendorf</u>	<u>        </u> Date
<u>A2350 Canales</u>	<u>        </u> Date	<u>A2665 Dukes</u>	<u>        </u> Date	<u>A3045 Guillen</u>	<u>        </u> Date
<u>A2300 Capelo</u>	<u>        </u> Date	<u>A2660 Dunnam</u>	<u>        </u> Date	<u>A3030 Gutierrez</u>	<u>        </u> Date
<u>A2490 Casteel</u>	<u>        </u> Date	<u>A2650 Dutton</u>	<u>        </u> Date	<u>A3035 Haggerty</u>	<u>        </u> Date
<u>A2495 Castro</u>	<u>        </u> Date	<u>A2770 Edwards</u>	<u>        </u> Date	<u>A3050 Hamilton</u>	<u>        </u> Date
<u>A2585 Chavez</u>	<u>        </u> Date	<u>A2775 Eiland</u>	<u>        </u> Date	<u>A2695 Hamric</u>	<u>        </u> Date
<u>A2480 Chisum</u>	<u>        </u> Date	<u>A2780 Eissler</u>	<u>        </u> Date	<u>A3160 Hardcastle</u>	<u>        </u> Date
<u>A2525 Christian</u>	<u>        </u> Date	<u>A2785 Elkins</u>	<u>        </u> Date	<u>A3165 Harper-Brown</u>	<u>        </u> Date
<u>A2435 Coleman</u>	<u>        </u> Date	<u>A2790 Ellis</u>	<u>        </u> Date	<u>A3170 Hartnett</u>	<u>        </u> Date

A3180 Heflin	Date	A3715 Madden	Date	A4220 Riddle	Date
A3190 Hegar	Date	A3750 Marchant	Date	A4250 Ritter	Date
A3250 Hilderbran	Date	A2835 Martinez Fischer	Date	A4270 Rodriguez	Date
A3275 Hill	Date	A3665 McCall	Date	A4350 Rose	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4420 Seaman	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3830 Menendez	Date	A4540 Smith, Wayne	Date
A3320 Hope	Date	A3815 Mercer	Date	A4530 Smithee	Date
A3330 Hopson	Date	A3840 Merritt	Date	A4550 Solis	Date
A3315 Howard	Date	A3835 Miller	Date	A4505 Solomons	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4560 Stick	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4585 Talton	Date
A3375 Isett	Date	A3865 Mowery	Date	A4600 Taylor	Date
A3405 Jones, Delwin	Date	A3885 Naishtat	Date	A4605 Telford	Date
A3420 Jones, Elizabeth	Date	A3895 Nixon	Date	A4630 Thompson	Date
A3400 Jones, Jesse	Date	A3900 Noriega	Date	A4650 Truitt	Date
A3475 Keel	Date	A3880 Oliveira	Date	A4685 Turner	Date
A3410 Keffer, Bill	Date	A3886 Olivo	Date	A4695 Uresti	Date
A3480 Keffer, Jim	Date	A4100 Paxton	Date	A4700 Van Arsdale	Date
A3470 King	Date	A4140 Pena	Date	A4800 Villarreal	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4995 West	Date
A3485 Krusee	Date	A4180 Pickett	Date	A5000 Wilson	Date
A3450 Kuempel	Date	A4185 Pitts	Date	A5020 Wise	Date
A3510 Laney	Date	A4200 Puente	Date	A5015 Wohlgemuth	Date
A3540 Laubenberg	Date	A4230 Quintanilla	Date	A4980 Wolens	Date
A3605 Lewis	Date	A4240 Rangel	Date	A4985 Wong	Date
A3620 Luna	Date	A4215 Raymond	Date	A5005 Woolley	Date
A3700 Mabry	Date	A4236 Reyna	Date	A5150 Zedler	Date

proposing a constitutional amendment to allow wineries in this state to sell and dispense certain wine.

MAR 13 2003

Filed with the Chief Clerk

MAR 27 2003Read first time and referred to Committee on Licensing & Administrative ProceduresAPR 14 2003Reported favorably ~~(as substituted)~~  
(as substituted)MAY 01 2003

Sent to Committee on Calendars

MAY 06 2003Read second time (comm. subst.) (~~amended~~) and adopted (~~amended~~) by a  
record vote of 142 yeas, 0 nays, 2 present, not votingRead third time ( ) and finally adopted ( ) by a  
record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not votingMAY 07 2003

Engrossed

MAY 07 2003

Sent to Senate

Robert Hane  
CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

MAY 07 2003

Received from the House

MAY 09 2003Read and referred to Committee on BUSINESS AND COMMERCEMAY 23 2003

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 27 2003Senate and Constitutional Rules to permit consideration suspended by unanimous consent  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)MAY 27 2003Read second time, amended, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)MAY 27 2003Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 naysMAY 27 2003Read third time, \_\_\_\_\_, and passed by 31 yeas, 0 naysMay 27, 2003

Returned to the House

Larry Spaw  
SECRETARY OF THE SENATE

## OTHER SENATE ACTION:



MAY 27 2003

Returned from the Senate (~~as substituted~~)  
(with amendments)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

MAY 29 2003

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (~~record vote of~~ \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

MAY 29 2003

House conferees appointed: Homer, Chair; Swinford  
Phillips, R. Cook, Truitt

MAY 30 2003

Senate granted House request. Senate conferees appointed: Estes, Chair;  
Van de Putte, Madla, Lindsay, Fraser

JUN 01 2003

Conference committee report adopted (~~rejected~~) by the House by a record vote of  
144 yeas, 0 nays, 2 present, not voting

JUN 01 2003

Conference committee report adopted (~~rejected~~) by the Senate by a record vote of  
31 yeas, 0 nays

03 MAY 27 PM 7:07

HOUSE OF REPRESENTATIVES

2003 MAY 27 PM 7:07

158 357